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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# Pakistan: Business and Human Rights - government must strictly follow the regulations of ILO in its true spirit

1. The Asian Legal Resource Centre (ALRC) and the Pakistan Institute of Labour Education and Research (PILER) would like to draw the attention of the UN Human Rights Council to an incident in a Pakistani garment factory where workers were burned alive.

2. Ali Enterprises is a garment factory located in Plot 67, Hub Road, Baldia Town, Karachi. It has exported garments to Europe and the United States, employing between 1,200 and 1,500 workers. The factory manufactured jeans for the textile discounter KiK Textilien, which claimed to ensure compliance with labour laws and the maintenance of safety standards amongst its suppliers. A security check in 2007, however, revealed deficiencies in the fire protection protocol at the Karachi factory. KiK later claimed these deficiencies were corrected by 2011.

3. On 11 September 2012, in Baldia Town, Karachi, a fire erupted in the garment factory. It claimed the lives of 256 men and women, leaving 55 workers injured, including two who were permanently disabled. As per reports, workers had arrived at the factory to pick up their pay and all exit doors had been locked.

4. Ali Enterprises had, just three weeks prior to the fire, succeeded in fraudulently obtaining an SA-8000 Certificate. This was awarded by RINA, an Italian certifying company, which entitled Ali Enterprises to carry out business with European and American manufacturers. RINA, on its part, neither visited the factory nor checked on the working conditions or health hazards, and failed to look into the irregularities related to local labour laws and safety. In fact, according to the International Labour Organization, procedural barriers had been set in place inside the garment factory run by Ali Enterprises in Karachi to deny workers their rights.

5. Certificate SA 8000, is an international accreditation given to companies that adhere to international standards of workplace safety, security, and labour regulations. Factories in Pakistan are obtaining these certificates without much trouble. Many of these factory units, however, blatantly flout health and safety regulations and labour laws. Such corrupt practices, coupled with the negligence of private licensing companies, show scant respect for rights and welfare of the labourers and have put their lives in danger.

6. Since February 2015, the Baldia factory case has become politicized. A Joint Interrogation Team (JIT) report, released by the Sindh Rangers, a paramilitary agency, has revealed that the incident was an act of sabotage and arson orchestrated by a certain political party. However, nothing has been proven. The Sindh High Court said that the statement, a custodial confession by the accused mentioned in the JIT report, was only hearsay. Constituents of the JIT were the Superintendent of Police (Saddar, Karachi), representatives of Inter-services Intelligence, the Intelligence Bureau, the Pakistan Rangers, and the Federal Intelligence Agency.

7. The JIT report is, in fact, a ploy to deny workers paid compensation. As a result of the JIT report, the European Textile Enterprises and the German company, Kik Textilien, the importers of garments from Ali Enterprises, backed out from the agreement to pay Long Term Compensation (LTC) to the families of the deceased. They contend that the fire was the result of sabotage and arson by a political party and not due to negligence of Ali Enterprises management.

8. Through the pressure exerted by PILER, other trade unions, and non-government organizations, KiK had agreed to pay some compensation. One million US Dollars was distributed through the Sindh High Court to the families of the deceased. A contract was made between PILER and KIK. KiK would also pay LTC to the bereaved families according to section 121 of ILO.

9. The Pakistani government has, with the help of the JIT report, sabotaged the benefits for workers contained in section 121 of ILO. As a result, two things have happened: the government does not have to follow up on the safety of workers and the companies will now be free from prosecution under the law. And, justice for the workers burned alive in the fire has been denied.

10. In addition to their already mentioned failures, the factory is also suspected of using child labour with locked workplaces analogous to prison cells. Abdul Aziz, owner of the factory, has reportedly prevented inspections of his factory.

11. The Pakistani government is responsible for the callousness and antipathy of the state machinery in protecting the interests of the working class. People with authority and power, the ruling elite, comprised mostly of rich industrialists, favour the interests of factory owners. The poor labourer does not figure in this equation. There is flouting of building regulations and safety norms, absence of regular inspection of factories, plus lack of coordination between the labour department and other ministries of the government. These unproductive and unsuccessful machinations by the Pakistan State have endangered the lives of workers.

12. The Asian Legal Resource Centre (ALRC) and the Pakistan Institute of Labour Education and Research (PILER) therefore:

a) Asks the UN Human Rights Council to urge the Pakistani government to strictly follow the true spirit of the regulations of the ILO. KIK Textilien must be pressed to pay Long Term Compensation, in full, to the bereaved families. Labour laws need to be implemented in all factories, whether in formal or informal sectors.

b) Suggests that roadmap provided by the United Nations Guiding Principles on Business and Human Rights be used, which provides actions that both the State and companies must take to prevent business-related human rights abuses and effective remedies to ensure justice. Respect for human rights and internationally agreed labour standards must be a corporate priority. This forum is an opportunity to share experiences and to take stock of situations.

c) Reminds that due diligence is needed by policy-makers to protect human rights. The State needs to step up to prevent injustice and to ensure justice for the harm caused by labour-detrimental economic activities. This is a fundamental duty of every government, which includes ensuring that corporate actors are held accountable for their actions.

d) Urges that business enterprises should also carry out human rights due diligence, in order to identify, prevent, mitigate, and account for how they address any adverse human rights impact.

e) Urges, the government to investigate adverse human rights impact caused by business enterprises. These enterprises may have caused or contributed to these violations through its own activities, which may be directly linked to its operations, products or services through its business relationships.